

### REMARKS

Claims 1-2, 4-11, 13-16, 18-20, and 22-24 are pending.

Claims 3, 12, 17, and 21 have been cancelled.

Claims 25-31 have been added.

In the Final Rejection dated March 6, 2009, claims 1-5, 7-11, 13-15, and 24 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,708,595 (Maloney); claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Maloney in view of U.S. Patent No. 2,894,587 (McCulloch); and claims 16, 18-20, and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Maloney in view of U.S. Patent No. 5,031,697 (Wellington).

Independent claim 1 has been amended to recite that the gas injection tool of claim 1 is separate from a tubing string for removing fluid from the wellbore. It is noted that the gas lift valves are part of the gas injection tool that is separate from the tubing string of claim 1.

In contrast, in Maloney, the sidestring pipe 28 is attached to the production string 21 shown in the figure of Maloney. Therefore, Maloney does not disclose a gas injection tool that is separate from a tubing string for removing fluid from the wellbore.

Claim 1 is therefore not anticipated by Maloney.

Newly added dependent claim 25 further recites that the gas lift valves are provided as part of the tubular member of the gas injection tool to allow the gas lift valves to be separate from the tubing string. In contrast, according to Maloney, the unloading valves 30 and 36 are part of the production string 21. Maloney, 3:28-30. Claim 25 is therefore further allowable for the foregoing reason.

Newly added dependent claim 26, which depends from claim 1, further recites that the gas injection tool is configured to be deployable into the wellbore separately from the tubing string. Maloney cannot allow that since the sidestring pipe 28 is attached to the production string 21, as shown in the figure of Maloney. Claim 26 is therefore further allowable for the foregoing reason.

Independent claims 7, 13, and 14 are allowable over Maloney for reasons similar to those stated above with respect to claim 1.

Moreover, claim 22 is also non-obvious over Maloney and Wellington, which fail to disclose or hint at providing a gas injecting tool that is separate from a tubing string to produce

fluids from the wellbore. Wellington shows a production tubing having gas lift valves – there is no hint given in Wellington of providing a separate gas injecting tool that has the gas lift valves, as recited in claim 22.

Therefore, even if Maloney and Wellington could be hypothetically combined, the hypothetical combination would not have led to the claimed subject matter.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims, the obviousness rejections of dependent claims have been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (SHL.0343US).

Respectfully submitted,



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